

Absent

Fuller	Herring
Hazlewood	Weinert

On motion of Senator Kazen and by unanimous consent the caption was amended to conform to the body of the resolution as amended.

Question on passage of the resolution to third reading, yeas and nays were demanded.

H. J. R. No. 6 was passed to third reading by the following vote:

Yeas—19

Baker	Lane
Bradshaw	Moffett
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Rogers
Hardeman	Smith
Kazen	Wood
Krueger	

Nays—8

Aikin	Owen
Hudson	Roberts
Martin	Secrest
Moore	Willis

Absent

Fuller	Herring
Hazlewood	Weinert

Adjournment

Senator Kazen moved the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion to adjourn prevailed by the following vote:

Yeas—19

Baker	Lane
Bradshaw	Moffett
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Rogers
Hardeman	Smith
Kazen	Wood
Krueger	

Nays—8

Aikin	Owen
Hudson	Roberts
Martin	Secrest
Moore	Willis

Absent

Fuller	Herring
Hazlewood	Weinert

Accordingly, the Senate at 11:47 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

FORTY-SIXTH DAY

(Thursday, April 9, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Herring	Weinert
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A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, pride goeth before destruction, and a haughty spirit before a fall. Like a little child coming to an earthly parent, we come to Thee praying that we may ever remember whosoever shall exalt himself shall be abased, and whosoever shall humble himself shall be exalted. We pray in the Savior's name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Herring was granted leave of absence for today on account of important business on motion of Senator Krueger.

Senator Weinert was granted leave

of absence for today on account of illness in the family on motion of Senator Hardeman.

Reports of Standing Committee

Senator Krueger submitted the following reports:

Austin, Texas,
April 9, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 320, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Austin, Texas,
April 9, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 721, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Austin, Texas,
April 9, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 414, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

(Senator Martin in the Chair.)

Senate Bill 440 on First Reading

Senator Aikin moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Crump
Baker	Dies
Bradshaw	Fly
Colson	Fuller

Gonzalez	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff
Hudson	Reagan
Kazen	Roberts
Krueger	Rogers
Lane	Secrest
Martin	Smith
Moffett	Willis
Moore	Wood
Owen	

Absent—Excused

Herring Weinert

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Aikin:

S. B. No. 440. A bill to be entitled "An Act to provide for prescriptions by dentists and the inspection of such prescriptions and to clarify and further define the practice of dentistry."

To the Committee on Public Health.

Senate Bill 441 on First Reading

Senator Colson moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit her introducing at this time, a bill, the provisions of which she explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Herring Weinert

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Colson:

S. B. No. 441, A bill to be entitled

"An Act to amend Subsection H of Section 5 of H. B. No. 20, Acts of the 46th Legislature, Regular Session, 1939, Chapter 3, Page 7, as amended to permit withdrawal of territory from one Soil Conservation District and the annexing of such territory so withdrawn to adjoining Soil Conservation District; providing for procedure for petitioning for such action; providing who shall be qualified to vote on such petition, providing the State Soil Conservation Board shall determine whether such withdrawal and annexation shall be accomplished; limiting the authority of said Board to act by specifying what acts of landowners in said Districts must first be accomplished; and declaring an emergency."

To the Committee on Agriculture and Livestock.

(President in the Chair.)

Senate Bill 442 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Secrest:

S. B. No. 442, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Riesel Municipal Utility District'; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

Senate Bill 443 on First Reading

Senator Kazen moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin
Baker

Bradshaw
Colson

Crump	Moore
Dies	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Willis
Martin	Wood
Moffett	

Absent—Excused

Herring Weinert

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Kazen:

S. B. No. 443, A bill to be entitled "An Act to validate Porcion 49, Abstract No. 1529, Certificate 1767, Original Grantee City of Laredo, Webb County, Texas, containing 5314 acres of land, more or less, being one of the Laredo Porciones Title to which was divested out of the Crown of Spain by the Laredo General Visita and authorizing and requiring the Commissioner of The General Land Office to issue a patent to The City of Laredo, and its assigns, to said Porcion 49, and declaring an emergency."

To the Committee on State Affairs.

Senate Resolution 327

Senator Fuller offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate George Booz of Port Arthur, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Fuller by unanimous consent presented Mr. Booz to the Members of the Senate.

Senate Resolution 328

Senator Phillips offered the following resolution:

Whereas, In 1933, the year in which the Boxing and Wrestling Commission was organized as part of the Bureau of Labor Statistics, License No. 1 to promote boxing and License No. 1 to promote wrestling were issued to the same man, Morris P. Sigel of Houston; and

Whereas, Morris P. Sigel, born on New York's Lower East Side, moved to Houston when he was less than 10 years old and, after working as office boy for The Houston Post and as an invoice clerk for the Kirby Lumber Company, decided to follow in the footsteps of his brother Julius and become a sports promoter; and

Whereas, During his 43-year career in this field, his ability, dignity, and sports conscience have helped to bring Texas boxing and wrestling from a humble beginning to their present state of prosperity; and

Whereas, Under the guidance of Mr. Sigel, Houston wrestling has grown into world-wide prominence, and that city and the State of Texas have achieved a top-ranking position as a center for this sport; and

Whereas, A list of the worthy causes which have benefited from the generosity of Mr. Sigel and the wrestling profession with which he is associated would encompass most of the social, civic, fraternal and religious welfare organizations in the Houston area, including the March of Dimes, the Christmas Seal sale, American Cancer Society, American Red Cross, American Legion, Muscular Dystrophy Association, Easter Seal sale, Heart Campaign, Babe Didrickson Zaharias Fund, Houston Veterans' Hospital, Junior Chamber of Commerce, Houston Police Department, Harris County Commissioners Court, U. S. Naval Reserve, Variety Boys' Club, Red Shield Boys' Club, Big Brothers of Houston, Handicapped Children, School for the Deaf, Goodwill Industries, Guide Dogs for the Blind, Telethon for the Blind, Houston Public Library, Milk Fund, Chamber of Commerce, Harris County Sheriff's Department, United States Air Force, Salvation Army, Variety Club of Houston, Boys Harbor, Harris County Probation Department, Lighthouse for the Blind, Boy Scouts of America, Girl Scouts of America, YMCA, Museum of Fine Arts, and Little League Baseball; and

Whereas, With the background of good will accomplished through years

of promoting the best in sports and a consistently altruistic spirit which has benefited worthy causes throughout his community and the State, Morris P. Sigel has won the admiration and respect of all who know him; now, therefore, be it

Resolved, By the Senate of the State of Texas, that Morris P. Sigel be congratulated and commended for his conscientious and faithful service to Texas and to the sport of wrestling and extended all good wishes for the future; and be it further

Resolved, That a copy of this resolution be sent to Mr. Sigel as a token of appreciation and esteem.

PHILLIPS
BAKER

The resolution was read and was adopted.

Senate Resolution 329

Senator Baker offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, 5th Grade Class of the Memorial Drive Elementary School of Spring Branch Ind. School Dist., accompanied by their teacher and sponsor, Mrs. Bendella Stokes and Mrs. Sarah Woolrich; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Baker by unanimous consent presented the students, teacher and sponsor to the Members of the Senate.

Senate Resolution 330

Senator Hardeman offered the following resolution:

Whereas, The paintings in the Senate Chamber are in need of immediate repair and conservation; and

Whereas, The value of these paintings and their appeal to the people of Texas and other citizens who are fortunate enough to view them demands their preservation for posterity; now, therefore, be it

Resolved, By the Senate of Texas, that the President of the Senate be and he is hereby authorized to appoint a committee to be composed of the Lieutenant Governor and two Members of the Senate, appointed by the Lieutenant Governor, to secure qualified personnel to conserve paintings in the control and custody of the Senate and to either repair or replace frames thereon; to rearrange such paintings as to placement, including block panel pictures, their restoration, reproduction and storage and that said committee be and it is hereby authorized and directed to transfer as loans paintings under the control of the Senate to public buildings and educational institutions of this State, which have been the recipients of contributions from individuals and foundations and that the committee be authorized and empowered to send any paintings and frames, if necessary, outside the State under proper safeguards in order that such work may be properly done; that the committee is authorized to pay the expenses of shipping and packing said paintings as well as the expenses of the conservator for supervising packing and shipping and for his services as conservator as well as the actual expenses of the committee members in attendance upon any meeting or meetings of said committee as may be necessary, be expended out of the contingent expense fund of the Senate for such purposes, upon voucher or vouchers drawn by the Lieutenant Governor and the Chairman of the Contingent Expense Committee of the Senate upon approval of the Chairman of the Committee on Conservation of Paintings.

The resolution was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 9, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 69, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to sell certain described tracts of land which are a part of the site of the Rusk State Hospital; describing the manner of the sale; providing for disposition of the proceeds; and declaring an emergency."

H. B. No. 374, A bill to be entitled "An Act relating to the appointment by the court of interpreters for any person who is deaf or a deaf mute, in criminal prosecutions and causes in which such person may be committed to a mental institution; and declaring an emergency."

H. B. No. 454, A bill to be entitled "An Act relating to the responsibilities, powers and duties of the Central Education Agency, State Board of Education and State Commission of Education with respect to Public Junior Colleges; and declaring an emergency."

H. B. No. 297, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to determine the amount of land excess to the needs of the operation of the Kerrville State Home; to sell and convey same; and declaring an emergency."

H. B. No. 409, A bill to be entitled "An Act relating to the leasing for oil, gas, and other mineral purposes of one thousand two hundred eighty (1280) acres of land owned by the Alabama and Coushatta Tribes of Texas; repealing laws and parts of laws in conflict; and declaring an emergency."

H. B. No. 472 A bill to be entitled "An Act to amend Article 1.10, Texas Insurance Code, by adding a new section thereto to authorize the State Board of Insurance and State Treasurer to accept and hold voluntary deposits made by Texas insurance companies as a prerequisite for such companies to gain admission to do an insurance business in other states, countries or provinces; setting out the conditions under which such deposits may be substituted and withdrawn; and authorizing transfer of previous deposits so made to the account authorized hereunder; making the act cumulative; and declaring an emergency."

H. B. No. 522, A bill to be entitled

"An Act repealing Chapter 357, Acts of the 55th Legislature, Regular Session, 1957, setting the quail season in Dickens County; and declaring an emergency."

H. B. No. 578, A bill to be entitled "An Act to amend Section 2 of Chapter 331, Acts of the 52nd Legislature, 1951 (codified as Article 2919d of Vernon's Texas Civil Statutes) by adding one member to the Board who shall be a member of the Legislature of the State of Texas; providing the time when this amendment shall take effect; and declaring an emergency."

H. B. No. 476, A bill to be entitled "An Act granting the Commissioners Court of Panola County the privilege of paying bounties on wolves killed in the County at not to exceed Twenty-five Dollars (\$25) for each wolf; and declaring an emergency."

H. B. No. 566, A bill to be entitled "An Act amending Article 1679, Revised Civil Statutes of Texas of 1925, as amended, increasing the amounts which the Commissioners Courts are authorized to set aside out of certain other county funds, for free county library purposes; and declaring an emergency."

H. B. No. 618, A bill to be entitled "An Act authorizing Bell County to supplement the salary of the District Attorney of the 27th Judicial District and providing for severability; providing for the maximum supplemental salary that may be paid by Bell County; and declaring an emergency."

H. B. No. 677, A bill to be entitled "An Act to amend Subsection 1, Article 3.39 of Chapter 3, of the Insurance Code (Acts of 1951, 52nd Legislature) repealing conflicting laws and parts of laws to the extent of such conflict and declaring an emergency."

H. B. No. 713, A bill to be entitled "An Act validating the organization of Board of Regents of Junior College Districts and actions taken by such boards subsequent to organization; making law inapplicable to such boards now involved in litigation, and declaring an emergency."

H. B. No. 753, A bill to be entitled "An Act authorizing the Commissioners Court of Zapata County to supple-

ment the salary of the District Judge of the 49th Judicial District of Texas; making other provisions relating thereto; and declaring an emergency."

H. B. No. 918, A bill to be entitled "An Act repealing Section 8 of Chapter 353, Acts of the 47th Legislature, Regular Session, as amended, to permit the sale of minnows in Hamilton County; and declaring an emergency."

H. B. No. 690, A bill to be entitled "An Act relating to an additional tax for common school districts in certain counties; and declaring an emergency."

H. B. No. 715, A bill to be entitled "An Act to amend Chapter 60, Acts of the 54th Legislature, Regular Session, 1955, by adding a new section to be known as Section 4-A, so as to provide that the members of the Board of Directors of the Jackson County Water Control and Improvement District Number One may receive the same fees of office as directors of similar districts operating under the provisions of Chapter 3A of Title 128, Revised Statutes of Texas, 1925, as amended; repealing conflicting laws to the extent of such conflict; and declaring an emergency."

H. B. No. 851, A bill to be entitled "An Act creating the office of District Attorney for the 145th Judicial District of Texas, and providing for his selection, compensation and duties; fixing an effective date; and declaring an emergency."

H. B. No. 697, A bill to be entitled "An Act regulating the transportation of minnows out of Burleson County, Texas; providing a penalty; and declaring an emergency."

H. B. No. 716, A bill to be entitled "An Act amending subdivision 10, 56 (relating to Galveston County) of Article 199 of the Revised Civil Statutes of Texas, 1925, concerning the District Courts of Galveston County, and the Judges and the Clerk thereof, for the purpose of clearing up uncertainties in the existing law; and declaring an emergency."

H. B. No. 854, A bill to be entitled "An Act making it unlawful to kill, or attempt to kill, wild turkey or trap or molest same in DeWitt County for a period of Five (5) years; providing a penalty; and repealing all con-

flicting laws; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 315 on Second Reading

On motion of Senator Fly and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 315, A bill to be entitled "An Act creating the Department of Correction Special Fund; amending S. B. No. 36, Acts of the 46th Legislature, R. S., 1939, as amended by Subsection (1) of Section 27 of H. B. No. 611, Acts of the 47th Legislature, R. S., 1941, Chapter 562, as amended by Section 2 of H. B. No. 78, Acts of the 55th Legislature, R. S., 1957, Chapter 284, so as to authorize expenditures from such fund for such additional purposes as the Legislature may direct; etc.; and declaring an emergency."

The bill was read third time and passed to engrossment.

Senate Bill 315 on Third Reading

Senator Fly moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 315 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood

Nays—1

Baker

Absent—Excused

Herring

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood

Nays—1

Baker

Absent—Excused

Herring

Weinert

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
April 9, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 422, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

House Concurrent Resolution 66 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 66, Memorializing the Congress of the United States to enact appropriate legislation according the states and local public agencies the permanent right to utilize storage space at Government Reservoirs when such storage space has been constructed virtually at the expense of such states or local public agencies, and

requesting our Texas Delegation to introduce and support such legislation.

The resolution was read and was adopted.

House Concurrent Resolution 30 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 30, Memorializing Congress relative to preservation of the water rights of individuals and states.

The resolution was read and was adopted.

Reports of Standing Committee

Senator Lane by unanimous consent submitted the following reports:

Austin, Texas,
April 9, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 15, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 9, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 46, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 690, To the Committee on Education.

H. B. No. 697, To the Committee on Game and Fish.

H. B. No. 715, To the Committee on Water and Conservation.

H. B. No. 716, To the Committee on Jurisprudence.

H. B. No. 851, To the Committee on Jurisprudence.

H. B. No. 854, To the Committee on Game and Fish.

H. B. No. 753, To the Committee on Counties, Cities and Towns.

H. B. No. 677, To the Committee on Insurance.

H. B. No. 713, To the Committee on State Affairs.

H. B. No. 918, To the Committee on Game and Fish.

H. B. No. 578, To the Committee on State Affairs.

H. B. No. 566, To the Committee on Counties, Cities and Towns.

H. B. No. 522, To the Committee on Game and Fish.

H. B. No. 476, To the Committee on Game and Fish.

H. B. No. 472, To the Committee on Insurance.

H. B. No. 454, To the Committee on Education.

H. B. No. 409, To the Committee on State Affairs.

H. B. No. 297, To the Committee on State Affairs.

H. B. No. 374, To the Committee on Jurisprudence.

H. B. No. 69, To the Committee on State Affairs.

H. B. No. 618, To the Committee on Counties, Cities and Towns.

Conference Committee Report on House Bill 110

Senator Owen submitted the following Conference Committee Report on H. B. No. 110.

Austin, Texas,
April 9, 1959.

Honorable Ben Ramsey, President of the Senate.

Honorable Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 110, have met and had same under consideration, and beg to report it

back with the recommendation that it do pass in the form attached.

OWEN, Chairman
ROBERTS
HUDSON
PARKHOUSE
MOORE

On the part of the Senate

ANDERSON
TURMAN
KILPATRICK
McILHANY
RUSSELL

On the part of the House

H. B. No. 110,

A BILL
TO BE ENTITLED

AN ACT providing for alternate members on City Council Boards of Adjustment to serve in absence of regular members; amending Section 7 of Chapter 283, Acts of the 40th Legislature, 1927, codified as Article 1011 g of Vernons Texas Civil Statutes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 7 of Chapter 283, Acts of the 40th Legislature, 1927 which is codified as Article 1011 g of Vernons Texas Civil Statutes, is amended to read as follows:

"Sec. 7. Board of Adjustment.

"Such local legislative body may provide for the appointment of a board of adjustment, and in the regulations and restrictions adopted pursuant to the authority of this Act may provide that the said Board of Adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

"The Board of Adjustment shall consist of five (5) members, each to be appointed for a term of two years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Provided, however, that the governing body of any city may, by charter provision or ordinance, provide for the appointment of two alternate members of the Board of Adjustment who shall serve

in the absence of one or more regular members when requested to do so by the Mayor or City Manager, as the case may be, so that all cases to be heard by the Board of Adjustment will always be heard by a minimum number of five (5) members. These alternate members, when appointed, shall serve for the same period as the regular members and any vacancies shall be filled in the same manner and shall be subject to removal as the regular members.

"The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this Act. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

"Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

"An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application

on notice to the officer from whom the appeal is taken and on due cause shown.

"The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

"The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this act or of any ordinance adopted pursuant thereto.

2. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

"In exercising the above mentioned powers such board may, in conformity with the provisions of this Act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

"The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such Ordinance, or to effect any variation in such Ordinance.

"Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of

the illegality. Such petition shall be presented to the court within 10 days after the filing of the decision in the office of the board.

"Upon presentation of such petition the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

"The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

"If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm wholly or partly, or may modify the decision brought up for review.

"Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

"All issues in any proceedings under this section shall have preference over all other civil actions and proceedings."

Section 2. The fact that this Act is of major importance and the further fact that the Calendars of the two Houses are crowded create an emergency and an imperative necessity that the Constitutional Rule requiring that bills be read on three several days in each House be and the same is hereby suspended, and this Act

shall become in full force and effect from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—26

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Hudson	Secrest
Kazen	Willis
Krueger	Wood

Nays—1

Fuller

Absent

Parkhouse Smith

Absent—Excused

Herring Weinert

Senate Resolution 331

Senator Wood offered the following resolution:

Whereas, Today is the birthday of our esteemed colleague, Senator William T. Moore; and

Whereas, It is the desire of the Senate to extend greetings and felicitations to him on this anniversary of his birth; now, therefore, be it

Resolved, That we wish him happy birthday and many happy returns of the day.

WOOD

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Bradshaw, Colson, Crump, Dies, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, and Weinert.

The resolution was read.

On motion of Senator Owen and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senate Resolution 332

Senator Baker offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the 6th Grade Class from the Bendwood Elementary Spring Branch Independent School District, Harris County, Texas, accompanied by their teachers, Mr. Melvin L. Eldridge and Mrs. Lora Roddie; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Baker by unanimous consent presented the students and teachers to the Members of the Senate.

House Bill 6 on Second Reading

The President laid before the Senate as unfinished business H. B. No. 6 on its second reading and passage to third reading (the bill having been read the second time on Monday, April 6, 1959).

Question—Shall H. B. No. 6 be passed to third reading?

Senator Moore offered the following amendment to the bill:

Amend H. B. 6 by adding at the end of Sec. 3 as follows:

“Provided, that the Board of Directors of the Texas Agricultural and Mechanical College System are directed to admit qualified female students to courses of study taught on the main campus of Texas A. & M. College, located at College Station, Texas.”

The amendment was read.

Senator Baker raised the point of order that the pending amendment was not germane to the caption of the bill.

The President sustained the point of order.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 6 by deleting the word co-educational in Section One and inserting the words "all male."

The amendment was read.

(Pending discussion by Senator Moore of the amendment, Senator Aikin occupied the Chair.)

(President in the Chair.)

Question—Shall the amendment by Senator Moore to H. B. No. 6 be adopted?

Recess

On motion of Senator Hardeman the Senate at 11:52 o'clock a.m. took recess until 2:00 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

House Bill 6 on Second Reading

The Senate resumed the consideration of the pending business, same being H. B. No. 6 on its second reading with an amendment by Senator Moore to H. B. No. 6 pending.

Question—Shall the amendment by Senator Moore to H. B. No. 6 be adopted?

Senator Willis moved to table the amendment by Senator Moore.

Question on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—22

Aikin	Moffett
Baker	Parkhouse
Colson	Phillips
Crump	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Hudson	Secrest
Kazen	Smith
Lane	Willis
Martin	Wood

Nays—2

Bradshaw	Moore
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Absent

Dies	Krueger
Fly	Owen
Gonzales	

Absent—Excused

Herring	Weinert
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On motion of Senator Willis and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

Record of Votes

Senators Moore, Hardeman and Bradshaw asked to be recorded as voting "Nay" on the passage of H. B. No. 6 to third reading.

Motion to Place

House Bill 6 on Third Reading

Senator Willis moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 6 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—17

Aikin	Ratliff
Baker	Reagan
Fuller	Roberts
Hazlewood	Rogers
Kazen	Secrest
Martin	Smith
Moffett	Willis
Parkhouse	Wood
Phillips	

Nays—9

Bradshaw	Hardeman
Colson	Hudson
Crump	Lane
Dies	Moore
Fly	

Absent

Gonzalez	Owen
Krueger	

Absent—Excused

Herring	Weinert
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House Bill 8 on Second Reading

Senator Martin asked unanimous

consent to suspend the regular order of business and take up H. B. No. 8 for consideration at this time.

There was objection.

Senator Martin then moved to suspend the regular order of business and take up H. B. No. 8 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Parkhouse
Baker	Phillips
Fly	Ratliff
Fuller	Reagan
Hazlewood	Roberts
Hudson	Rogers
Kazen	Secrest
Martin	Smith
Moffett	Willis
Moore	Wood

Nays—6

Bradshaw	Dies
Colson	Hardeman
Crump	Lane

Absent

Gonzalez	Owen
Krueger	

Absent—Excused

Herring	Weinert
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The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 8, An Act to amend Article 2618 of the Revised Civil Statutes of 1925 of the State of Texas, as amended, so as to provide for a four-year college at Tarleton State College; prescribing courses of study; providing an operative date; and declaring an emergency.

The bill was read the second time.

Question on passage of H. B. No. 8 to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

Yeas—18

Aikin	Kazen
Baker	Krueger
Gonzalez	Martin
Hazlewood	Moffett

Moore	Roberts
Parkhouse	Rogers
Phillips	Smith
Ratliff	Willis
Reagan	Wood

Nays—9

Bradshaw	Hardeman
Colson	Hudson
Crump	Lane
Dies	Secrest
Fly	

Absent

Fuller	Owen
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Absent—Excused

Herring	Weinert
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House Bill 195 on Second Reading

On motion of Senator Reagan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 195, An Act amending Chapter 153 of the Acts of the Forty-fifth Legislature, as amended, relating to independent school districts; and declaring an emergency.

The bill was read second time and passed to third reading.

House Bill 195 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 195 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood

Absent

Owen

Absent—Excused

Herring

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 9, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 214, A bill to be entitled "An Act relating to bonds, undertakings, recognizances, guarantees or other obligations executed by surety companies duly qualified to do business in Texas; and declaring an emergency."

H. B. No. 332, An Act to create the Attoyac Bayou Watershed Authority conservation and reclamation district in Shelby, Rusk, and Nacogdoches Counties under the provisions of Article XVI, Section 59, of the Constitution of Texas; prescribing the duties, powers, functions, and procedures for the district, including the right to participate in the organization of subordinate districts to carry out the functions of the master district under certain circumstances and conditions; etc.; and declaring an emergency.

H. B. No. 488, An Act amending Sections 3, 8, 9, 11, 12, 14, 16, and 17 of Article 4542a of the Revised Civil Statutes of Texas, 1925, as amended, relating to the regulation and practice of pharmacy; prescribing compensation of the State Board of Pharmacy; providing for distribution of drugs or medicines except in original packages; prescribing the subject matter of examinations to be given by the State Board of Pharmacy and the fee to be charged therefor; etc.; and declaring an emergency.

H. B. No. 922, An Act to authorize and require the appointment of offi-

cial shorthand reporters in each District Court and each County Court at Law heretofore and hereinafter created in counties having a population of eight hundred thousand (800,000) or more, according to the last preceding federal census; fixing maximum and minimum salaries to be paid, in addition to compensation for transcripts, statement of fact and other fees, providing the time, method and manner of payment; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency.

H. C. R. No. 81, Relative to the Texas Surplus Property Agency.

The House has concurred in Senate amendments to House Bill No. 7 by vote of 125 ayes, 1 no.

The House has concurred in Senate amendments to House Bill No. 111 by vote of 130 ayes, 0 noes.

The House refused to concur in Senate amendments to House Bill No. 247 and has requested the appointment of a Conference Committee to consider the differences between the two Houses, by viva voce vote.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
April 9, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 753, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 9, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 84, Authorizing certain corrections in Senate Bill No. 361.

H. C. R. No. 85, Inviting the Governor and Lieutenant Governor of New Mexico to address a Joint Session of the Texas Legislature on Monday, April 27, 1959.

House has appointed the following Conference Committee on H. B. No. 247: Anderson, Kilpatrick, Slack, Collins, Conley.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Concurrent Resolution 85 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 85, Inviting the Governor and Lieutenant Governor of New Mexico to address a Joint Session of the Legislature on Monday, April 27, 1959.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

Executive Session

On motion of Senator Reagan and by unanimous consent, the Senate agreed to hold an Executive Session at 2:45 o'clock p.m. today.

Accordingly, the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be Judge of the District Court of the Second Thirty-eighth Judicial District, to fill the unexpired term of Judge Jim W. Weatherby, resigned: Marvin E. Blackburn, Jr., of Junction, Kimble County.

To be District Attorney of the Second Thirty-eighth Judicial District, to fill the unexpired term of Marvin E. Blackburn, Jr.: Joseph F. Leonard, Jr., of Kerrville, Kerr County.

In Legislative Session

The President called the Senate to order as in Legislative Session at 2:55 o'clock p.m.

Reports of Standing Committees

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,
April 9, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 697, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

Senator Moffett by unanimous consent submitted the following report:

Austin, Texas,
April 9, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to whom was referred S. B. No. 438, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Local and Uncontested Bills Calendar Session

On motion of Senator Martin the Senate agreed to hold a session for the consideration of a Local and Uncontested Bills Calendar on Monday, April 13, 1959.

House Bill 697 Ordered Not Printed

On motion of Senator Moore and by unanimous consent H. B. No. 697 was ordered not printed.

Adjournment

Senator Hardeman moved that the Senate stand adjourned until 10:00 o'clock a.m. on Monday, April 13, 1959.

Senator Rogers moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Yeas and Nays were demanded.

Question first on the motion by Senator Hardeman to adjourn until

10:00 o'clock a.m. on Monday, April 13, 1959, the motion prevailed by the following vote:

Yeas—17

Aikin	Kazen
Baker	Lane
Bradshaw	Martin
Crump	Moore
Dies	Parkhouse
Fly	Ratliff
Fuller	Reagan
Hardeman	Secrest
Hudson	

Nays—10

Colson	Phillips
Hazlewood	Roberts
Krueger	Rogers
Moffett	Smith
Owen	Willis

Absent

Gonzalez	Wood
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Absent—Excused

Herring	Weinert
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Accordingly the Senate at 3:03 o'clock p.m. adjourned until 10:00 o'clock a.m. on Monday, April 13, 1959.

FORTY-SEVENTH DAY
(Monday, April 13, 1959)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

At Ease

The President announced that the Senate would stand At Ease until 10:30 o'clock a.m. today.

In Legislative Session

The President called the Senate to order as in Legislative Session at 10:30 o'clock a.m. today.

The roll was called and the following Senators were present:

Aikin	Herring
Baker	Hudson
Bradshaw	Kazen
Colson	Krueger
Crump	Lane
Dies	Martin
Fly	Moffett
Fuller	Moore
Gonzalez	Owen
Hardeman	Parkhouse
Hazlewood	Phillips

Ratliff	Smith
Reagan	Weinert
Roberts	Willis
Rogers	Wood
Secrest	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, before the toil and testing of this day crowd in upon us, we wait before Thy throne of grace for refreshing of our minds and renewing of our strength. Bestow upon us now gifts of understanding, kindness, courtesy, and self-control. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 9, 1959 was dispensed with and the Journal was approved.

Morning Call Dispensed With

On motion of Senator Martin and by unanimous consent the Morning Call for today was dispensed with in order to consider a Local and Uncontested Bills Calendar.

(Senator Hardeman in the Chair.)

Senate Resolution 333

Senator Colson offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Eighth Grade Class of the Navasota Elementary School of Navasota, Grimes County, Texas, accompanied by their principal, Mr. Charles Darby; their teachers and sponsors, Mrs. Nancy McMillan and Mr. Bobby Mooney; and Mrs. Mooney; and

Whereas, The presence of these young people is evidence of their interest in better citizenship and governmental affairs, and are seeking to broaden their knowledge and experience by a visit to the State Capitol and other places of interest in the Capital City; and

Whereas, We are delighted that these fine young American citizens are here to observe governmental processes in action; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed and bearing the official seal of the Senate, be mailed to them